

**THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
GEAUGA COUNTY, OHIO**

WILLIAM W. BRIDGE III,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2008-G-2823
CHRISTOPHER MORLEY, et al.,	:	
Defendants-Appellees,	:	
(JOHN PUNTEL, Appellant).	:	

Civil Appeal from the Chardon Municipal Court, Case No. 2007 CVH 00114.

Judgment: Appeal dismissed.

William W. Bridge, III, pro se, P.O. Box 26, Novelty, OH 44072 (Plaintiff-Appellee).

Robert E. Zulantz, Jr., Zulantz & Smalheer, 114 East Park Street, Chardon, OH 44024 (For Defendants-Appellees, Christopher Morley and Linda S. Owen).

Dana Farthing, 137 Clough Street, P.O. Box 1284, Bowling Green, OH 43402 (For Defendant-Appellee, Sky Bank).

John Puntel, pro se, 974 Lake Run Circle, Westerville, OH 43081 (Appellant).

MARY JANE TRAPP, J.,

{¶1} On March 27, 2008, appellant, John Puntel, filed a notice of appeal from a March 7, 2008 judgment entry of the Chardon Municipal Court.

{¶2} In the March 7, 2008 entry, the magistrate denied appellant's motion to quash subpoena. It is from that entry that appellant filed his notice of appeal.

{¶3} Subsequently, on April 1, 2008, the record reveals that plaintiff-appellee, William W. Bridge, III, filed a notice of dismissal without prejudice pursuant to Civ.R. 41(A)(1)(a) with the trial court.

{¶4} Since dismissals under Civ.R. 41(A)(1)(a) are self-executing and are fully and completely effectuated upon the filing of a notice of voluntary dismissal by plaintiff, the filing of the notice of dismissal automatically terminates the case without intervention by the court. *Selker & Furber v. Brightman* (2000), 138 Ohio App.3d 710, 714.

{¶5} In *Wilson v. Vaccariello*, 11th Dist. No. 2007-L-046, 2007-Ohio-2688, at ¶7-8, this court recently stated:

{¶6} “In *Gruenspan v. Thompson* (Oct 12, 2000), 8th Dist. No. 77276, 2000 Ohio App. LEXIS 4783, 2000 WL 1514357, at 2, the Eighth Appellate District stated:

{¶7} “A voluntary dismissal by a plaintiff operates to nullify the claims brought against the dismissed party and leaves the parties as if the action was never filed. ***, citing *Denham v. New Carlisle* (1999), 86 Ohio St.3d 594, 596 ***.”

{¶8} In the case at bar, on March 7, 2008, the magistrate denied appellant’s motion to quash subpoena. Thereafter, on March 27, 2008, appellant filed a notice of appeal. Subsequently, on April 1, 2008, plaintiff-appellee filed a notice of dismissal without prejudice pursuant to Civ.R. 41(A)(1)(a). Specifically, plaintiff-appellee’s notice of dismissal stated that:

{¶9} “Plaintiff, William W. Bridge III, hereby gives notice of dismissal of this matter WITHOUT PREJUDICE, pursuant to Ohio Rules of Civil Procedure, Rule 41(A),(1),(a).” (sic.)

{¶10} Based on the foregoing language contained in the notice of dismissal, plaintiff-appellee voluntarily dismissed “this matter.” Therefore, because plaintiff-appellee dismissed his entire case pursuant to Civ.R. 41(A)(1)(a) in the trial court, this court lacks jurisdiction to consider the appeal.

{¶11} Accordingly, this appeal is dismissed, sua sponte, due to lack of jurisdiction.

{¶12} Appeal dismissed.

CYNTHIA WESTCOTT RICE, J.,

COLLEEN MARY O'TOOLE, J.,

concur.